

REMARKS

This Amendment is being filed in response to the Final Office Action mailed July 11, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the remarks to follow are respectfully requested.

Claims 1-14 remain in this application, where claims 1, 6 and 11-12 are independent.

In the Final Office Action, claims 1, 3-6 and 8-14 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,948,183 (Peterka). Claims 1, 3-6 and 8-14 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,415,438 (Blackketter). Claims 2 and 7 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Peterka in view of U.S. Patent Application Publication No. 2002/0056086 (Yuen). Claims 2 and 7 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Blackketter in view of Yuen. It is respectfully submitted that claims 1-14 are patentable over Peterka, Blackketter and Yuen for at least the following reasons.

Peterka is directed to a system for controlling access to receiver functionality and data from downloaded applications in a digital television receiver. When a user switches to a current channel, e.g., Ch1, then an application associated with Ch1 is executed, e.g., App1. When the user switches to a different channel, e.g. Ch2, then App1 is terminated. That is, switching to a new channel Ch2, stops execution of an application App1 associated with a previous channel Ch1.

Blackketter is directed to an interactive television trigger has a time attribute value that indicates a future time when the trigger is to be executed. Blackketter specifically recites on column 8, lines 58-65:

Next (step 1303), the channel of video being displayed by the receiver unit is switched from the first channel to a second channel. When the channel of video is switched to the second channel, the enhancement is no longer displayed because the trigger 1200 is not associated with the second channel. The switching of channels from the first channel to the second channel is illustrated in FIG. 12 as occurring at time 1205. (Emphasis added)

Thus, similar to Peterka, in Blackketter too switching to a new channel Ch2, stops execution of an application App1 associated with a previous channel Ch1.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claim 6, amongst other patentable elements recites (illustrative emphasis provided):

disabling execution of the application of the stream associated with the channel in response to the user selecting the channel.

Disabling execution of an application (e.g., App1) of the stream associated with the channel (e.g., Ch1) in response to the user selecting the VERY SAME channel Ch1 (i.e., NOT the previous channel), is nowhere disclosed or suggested in Peterka and Blackketter, alone or in combination. Rather, both Peterka and Blackketter disclose stopping execution of an application App1 associated with a previous channel Ch1, when the channel is changed from the previous channel Ch1 to a new channel Ch2. This has nothing to do with disabling execution of an application App2 associated with a new channel Ch2. Rather, both Peterka and Blackketter disclose to indeed execute (and not disable) of an application App2 associated with a new channel Ch2, thus teaching away from "disabling execution of the application of the stream associated with the channel in response to the user selecting the

channel," as recited in independent claim 1 and similarly recited in independent claim 6. (Illustrative emphasis provided)

Further, it is respectfully submitted that Peterka, Blackketter, and combination thereof, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 12 which, amongst other patentable elements, recites (illustrative emphasis provided):

depending on a period of time without user input following the channel selection, executing an application present in the application portion, if any, of the stream associated with the selected channel.

These features are nowhere disclosed or suggested in Peterka and Blackketter, alone or in combination. Rather, both Peterka and Blackketter disclose executing an application associated with the channel which is selected by the user without dependence on any time period. Yuen is cited to allegedly show other features and does not remedy the deficiencies in Peterka and Blackketter.

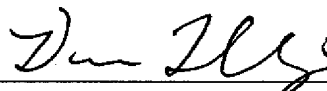
Accordingly, it is respectfully requested that independent claims 1, 6 and 11-12 be allowed. In addition, it is respectfully submitted that claims 2-5, 7-10 and 13-14 should also be allowed at least based on their dependence from independent claims 1 and 6 as

well as their individually patentable elements.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
September 9, 2008

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101